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PCC Structural, Inc.*

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF NEVADA**

MEGHAN HILL,

Plaintiff,

vs.

PCC STRUCTURALS, INC.  
and DOES I-X,

Defendants.

Case No.: 3:19-cv-00699-MMD-WGC

**STIPULATION AND ORDER TO STAY  
THE CASE**

*(First Request)*

Pursuant to Local Rule ("LR") LR IA 6-2, LR 7-1, and 26-4, Defendant PCC Structural, Inc. ("Defendant") and Plaintiff Meghan Hill ("Plaintiff"), by and through their respective undersigned counsel, hereby request and stipulate to stay the current proceedings until Defendant's Motion to Compel Arbitration is ruled upon.

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1 Defendant filed its Motion to Compel Arbitration on March 9, 2020. *See* ECF No. 18. The  
2 Ninth Circuit has held that, under the FAA, once a court is presented with a motion to compel  
3 arbitration, the court’s jurisdiction is limited to making a determination about the arbitrability of the  
4 underlying dispute. *See Simula, Inc. v. Autoliv, Inc.*, 175 F.3d 716, 726 (9th Cir. 1999).

5 Federal courts, including courts in this jurisdiction and circuit, regularly stay discovery and  
6 other pre-trial obligations pending a decision on a party’s motion to compel arbitration. *See, e.g.*,  
7 *Miceli*, 2016 WL 1170994, at \*2 (issuing stay of discovery pending hearing on defendant’s motion  
8 to compel arbitration); *Andrus*, 2012 WL 5989646, at \*4 (same); *Steiner v. Apple Computer, Inc.*,  
9 2007 WL 4219388, \*1 (N.D. Cal. Nov. 29, 2007) (a stay of initial scheduling obligations and  
10 discovery pending determination of motion to compel is prudent because, “[i]f a dispute is  
11 arbitrable, responsibility for the conduct of discovery lies with the arbitrators,” not the court.);  
12 *Coneff v. AT&T Corp.*, 2007 WL 738612, at \*3 (W.D. Wash. Mar. 9, 2007) (staying all discovery  
13 on the merits until decision on motion to compel arbitration issued); *Merrill Lynch, Inc. v. Coors*,  
14 357 F. Supp. 2d 1277, 1280 (D. Colo. 2004) (issuing stay of discovery on merits pending district  
15 court’s decision on motion to compel in interests of judicial economy; noting that resolution of  
16 motion may dispose of action entirely); *Cunningham v. Van Ru Credit Corp.*, 2006 WL 2056576  
17 (E.D. Mich. July 21, 2006) (same); *Intertec Contracting v. Turner Steiner Int’l.*, 2001 WL 81224,  
18 at \*7 (S.D. N.Y. 2001) (same); *see also Mundi*, 2007 WL 2385069, at \*5 (staying discovery  
19 pending interlocutory appeal of district court’s decision to deny motion to compel arbitration);  
20 *Winig*, 2006 WL 3201047, at \*2 (holding that stay of discovery pending appeal was necessary to  
21 prevent irreparable harm to defendant – the loss of speed and economy associated with arbitration);  
22 *Alsacom v. ITT N. Elec. Co.*, 727 F.2d 1419, 1422 (9th Cir. 1984) (same). Further, the Court also  
23 has the inherent authority to stay discovery “to control the disposition of the cases on its docket  
24 with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*,  
25 299 U.S. 248, 254-55 (1936).

26 In this case, a stay will promote judicial economy as well as save the parties’ resources.  
27 Moreover, there is no indication that any harm will occur from a stay in this matter. As such, the  
28

1 parties respectfully request that this matter be stayed pending the Court's determination on  
2 Defendant's Motion to Compel.

3 This requested stay is sought in good faith and not for purposes of causing any undue delay.

4 Dated this 9<sup>th</sup> day of March, 2020.

Dated this 9<sup>th</sup> day of March, 2020.

5 LAW OFFICE OF MARK MAUSERT

OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.

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**ORDER**

12 IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: March 11, 2020